

**UNITED STATES DISTRICT COURT  
for the  
EASTERN DISTRICT OF PENNSYLVANIA**

<b>IN RE NUTRISYSTEM, INC. SECURITIES LITIGATION</b>	)	<b>Master File No. 2:07-04215 (MAM)</b>
	)	
	)	
<b>This document relates to: All Actions</b>	)	<b><u>CLASS ACTION</u></b>
	)	

**NOTICE OF APPEAL**

Notice is hereby given that The Double U Funds, Lead Plaintiff in the captioned action, by its counsel, hereby appeals to the United States Court of Appeals for the Third Circuit from the Memorandum and Order both entered in this action on August 31, 2009. True and correct copies of that Memorandum and Order are attached hereto respectively as Exhibits A and B.

Dated: September 29, 2009

Respectfully submitted,

WEISS & LURIE

s/David C. Katz  
David C. Katz  
551 Fifth Avenue  
New York, New York 10176  
(212) 682-3025  
(212) 682-3010 Fax  
dkatz@weisslurie.com

*Attorney for Lead Plaintiff, The Double U  
Funds*

**CERTIFICATE OF SERVICE**

I, Phyllis Mehl, hereby certify that on September 29, 2009, the foregoing document was filed with the Clerk of the Court and served in accordance with Rule 5(b)(2)(D) of the Federal Rules of Civil Procedure, and/or the Local Rules of the Eastern District of Pennsylvania, using the ECF system which will send notification of such filing to the email addresses denoted on the attached counsel list.

*s/Phyllis Mehl*

PHYLLIS MEHL

United States District Court Eastern District of Pennsylvania

Page 1 of 2

## **Mailing Information for a Case 2:07-cv-04215-MAM**

### **Electronic Mail Notice List**

The following are those who are currently on the list to receive e-mail notices for this case

- **MARC L. ACKERMAN**  
mackerman@brodsky-smith.com
- **JILL BAISINGER**  
jbaisinger@morganlewis.com
- **DAVID FELDERMAN**  
dfelderman@srkw-law.com
- **JAYNE A. GOLDSTEIN**  
jgoldstein@sfmslaw.com
- **DEBORAH R. GROSS**  
debbie@bernardmgross.com
- **DAVID SEAMUS KASKELA**  
skaskela@sbtclaw.com
- **DAVID C. KATZ**  
dkatz@weisslurie.com
- **KAREN PIESLAK POHLMANN**  
kpohlmann@morganlewis.com
- **ROBERT M. ROSEMAN**  
rroseman@srkw-law.com
- **DAVID A. ROSENFELD**  
DRosenfeld@csgrr.com,e\_file\_ny@csgrr.com
- **LEON W. SILVERMAN**  
leon@steinandsilverman.com,abclapat@gmail.com
- **EVAN J. SMITH**  
esmith@brodsky-smith.com
- **MARC M. UMEDA**  
mumeda@robbinsumeda.com,notice@robbinsumeda.com
- **JOSEPH H. WEISS**  
jweiss@weisslurie.com,infony@weisslurie.com

United States District Court Eastern District of Pennsylvania

Page 2 of 2

- **ANN D. WHITE**  
awhite@awhitelaw.com,mbucher@awhitelaw.com
- **JACK I. ZWICK**  
jzwick@weisslurie.com

### **Manual Notice List**

The following is the list of attorneys who are **not** on the list to receive e-mail notices for this case (who therefore require manual noticing). You may wish to use your mouse to select and copy this list into your word processing program in order to create notices or labels for these recipients.

- (No manual recipients)